

REMARKS

Claims 10-18 are pending in the present application. All of these claims stand rejected. The Applicants respectfully request reconsideration in light of the following remarks.

Claims 10-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Chien et al.* (U.S. Patent No. 6,308,062) in view of *Holmes* (U.S. Patent No. 5,875,395). The Applicants respectfully traverse for the following reasons.

The cited art, alone or in combination, does not disclose “an Internet interface to transmit control commands to the control device, the control device evaluating the control commands and converting the control commands into a corresponding control of the consumers connected to the data transmission path” as recited in claim 10. The office action cited the following in *Chien* as supporting the rejection: col. 1, lines 5 – 65; col. 2, lines 56 – 61; col. 3, lines 16 – 30; col. 4, lines 22 – 38 and 43 – 48; col. 6, lines 33 – 40. However, these passages do not teach or suggest mobile part (15) having an Internet interface for transmitting the control commands to the control device (radio fixed part 20). In connection with Figure 2 and the underlying text, *Chien* only discloses that a DECT transmission protocol is provided for the transmission between the mobile part 15 and the control device (radio fixed part 20 - see DECT radio module 60 in Figure 2 and column 3, lines 31 to 40). Accordingly, *Chien* does not teach or suggest these features. Applicants cannot find this feature in *Holmes* as well.

Furthermore, the cited art, alone or in combination, does not disclose “the mobile component further comprises an identification unit for supplying information to identify the user of the mobile component, at least one the mobile component and the control device evaluating the control commands [via Internet interface] and converting the control commands into a corresponding control of the consumers connected to the data transmission path and individual functions of the consumers” as recited in claim 10. The Office Action has acknowledged that *Chien* is silent in that regard. However, the Office Action goes further and relies on *Holmes* for this feature. Applicant respectfully traverses.

Holmes discloses a bi-directional verification system having a security module 16 that is coupled to the radio transceiver 14, the application interface 22 and the network interface 20. The security module 16 performs bi-directional verification of the mobile station 10 and initiates and responds to challenges from the mobile station 10. Once the authenticity of the identity of a

mobile station 10 or terminal at a wired network 24 has been established, the security module 16 produces an output indicating whether or not the mobile station 10 or terminal at wired network 24 is authentic (col. 3, lines 1-17). *Holmes* teaches that the use of a home automation system to implement an application interface requires a personal base station 12 to allow secure remote access to a home automation system using a mobile station 10 or a wired network 24. Bi-directional verification of the mobile station 10 or user at a wired network 24 by the security module 16 creates the secure remote access (col. 3, lines 47-53). Accordingly, *Holmes* does not evaluate control commands via the Internet, but relies on a complex personal base station to route communications through.

Furthermore, there is no teaching, suggestion or motivation for one of ordinary skill in the art to rely on the personal base station configuration of *Holmes* in view of the teaching in *Chien*. *Chien* already provides ID/password protection to users implementing the transactional system, and the application program is already tailored to the type of telephone the customer is using (col. 5, lines 2-19). If one was to attempt to combine the teaching of *Holmes* with *Chien*, the entire principle of operation in *Chien* would be vitiated. In determining the differences between the prior art and the claims, the question under 35 U.S.C. §103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratosflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983) (MPEP 2141.02). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (MPEP 2143). Furthermore, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (MPEP 2143.02).

In light of the above remarks, the Applicant's submit that the reasoning and evidence presented in the rejection of claim 10 are incorrect and that the cited prior art does not teach all of the elements of this claim. Accordingly, the rejection should be withdrawn.

Concerning dependent claims 11-18, these claims are submitted to be allowable on their merits and due to their ultimate dependency on claim 10, which is believed allowable.

In light of the foregoing, the Applicants submit that the application is in condition for allowance and request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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